

Minutes of the Conservation Restriction Advisory Committee
November 13, 2008

Present: Members – John Keating (Chair), Wayne Davis, Ken Harte, Jenifer Bush. Conservation Administrator Sylvia Willard. Roy Cramer, Esq. & Paul Alpert, Esq. (representing the Posts); Diane George, Peter George, Brigitte Senkler.

John Keating called the meeting to order at 7:40 p.m.

The minutes of the October 21, 2008 meeting were approved, as amended.

CR#33 (Tall Pines State-Approved) Inspection. (Book 807850, page 0013). John reported that he had mailed certified letters to all landowners, as discussed at the prior meeting, and that he spoke by telephone or left messages informing them of this evening's meeting and the inspection, planned for November 22 at 9 am. No public attendees at the meeting were from the Tall Pines neighborhood.

The Committee discussed areas of concern for the inspection:

- The area adjacent to the large detention basin may have been used for dumping of grass clippings.
- Lot 1 has recently changed hands.
- Restricted Area A (yellow on map) has the tighter restrictions and is at the core of the area.
- Restricted Area B (blue on map) is less restrictive, and essentially provides a buffer strip.

Tall Pines Town-Approved Restriction (Book 807870, p. 162). Sylvia showed photographs of a potential violation at 219 Hutchins. There is cut material and slash up against the stone wall (Easement #1). The Committee determined to set an inspection for November 22 at 8:30 am. John will draft a letter notifying the landowners of the inspection.

CR 10 (Bartlett Farm). Chairman Keating explained the attorney representing prospective buyers of Bartlett Farm from Diane and Peter George had requested to speak with the Committee about the CR. Diane George explained that she and her husband had owned the farm for eight years, and had a long term vision of restoring the property to farming. Although they have decided to sell the property, they have tried to find buyers who shared their vision, and believe they have done so with the current prospective buyers, the Posts.

Paul Alpert, Esq., representing the Posts, explained that the Posts are interested in having horses, and wanted to clarify what was and was not possible within the CR. They would like to ensure that they can keep horses and enlarge or add barns, paddocks, and stables as needed. They may also wish to create new trails and courses for the horses for outdoor recreational use. Another concern is the fire pond, which they believe may be insufficiently large for the current house and barn. They may wish to excavate and enlarge the pond, perhaps doubling it in size. Sylvia mentioned that at a recent Town Meeting, the Fire Department had submitted a list of proposed fire cisterns. Bellows Hill Road may have been on that list. The Committee advised that the Posts should check with the Fire Department.

Mr. Alpert stated that the Posts would also like to be able to build a separate building for family use (private family guest house as accessory, consistent with Carlisle Zoning).

Mr. Alpert and Roy Cramer, Esq. (also representing the Posts) stressed that the current intention is not to have a commercial equestrian operation, and argued that a commercial operation would actually more clearly be permitted as an agricultural activity under the terms of the CR.

Ken Harte stated that Carlisle does consider amended CR's, but only where there is a clear public benefit associated with the amendment, compared to the original CR. He asked what the public purpose would be for allowing another residence. Mr. Cramer responded that this is a large property, 49 acres, and that it does take people to manage and care for the property. Allowing another residence would perhaps enable such a family to acquire the property and keep operating it as a farm, consistent with the original purposes of the CR. Jenifer Bush commented that the additional residence seemed directly contrary to the restriction to a single family residence.

Ken suggested that the public purpose could be satisfied by drawing a building envelope for the portion of the farm where the Posts may want to build additional barns, *etc.*, and also by granting a perpetual trail easement on the two existing trails on the property (currently open to the public, by permission of the owners). John noted that there is not currently a building envelope on the property.

Wayne Davis observed that the CR was one of the earlier ones granted, and that the language and terms have evolved considerably since then. He stated that he would like to see the amendment be done consistent with the standards currently used for new CRs.

Messrs. Cramer and Alpert will discuss the ideas with their clients and inform the Committee how they intend to proceed.

Next meeting: Tuesday, December 16 at 7:30 pm.

The meeting was adjourned at 9:07 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Wayne Davis', with a stylized flourish at the end.

Wayne Davis, Secretary